PLACEMENT PREFERENCES
Wis. Stat. § 48.028(7)(a)-(e)

The prevailing social and cultural standards of the Indian child’s tribal community are to be applied when making placement decisions.

Does the Indian child’s Tribe have their own order of placement preference established by Tribal Resolution?

YES

Follow Tribal Placement Preferences

NO

What is Placement Type?

• Temporary Physical Custody
• Out of Home Care
• Pre-Adoptive* Placement

Adoptive Placement

Placement Preferences:
1. Extended Family
2. Another member of Indian child’s Tribe
3. Another Indian family

Good Cause** to Depart from Placement Preferences

Request of parent or child
For purposes of Adoptive Placements, a parent cannot request deviation because after the termination of parental rights, they are no longer a “parent”

Extraordinary physical, mental, or emotional health needs, established by an expert witness - Length of time in placement does not in itself constitute an extraordinary mental health need

Unavailability of suitable placements after diligent efforts have been made to comply

Placement Preferences:
1. Extended Family
2. Foster home licensed, approved, or specified by Tribe
3. Indian foster home licensed or approved by state or county agency or department
4. Group Home or Residential Care Facility-Approved or operated by a Tribe.

* A Pre-Adoptive placement refers to the type of placement, not the foster family, so there are foster parents who may be able to care for an Indian child as an out-of-home placement, but will not meet the placement preferences for an Adoptive placement.
* Temporary Physical Custody-Placement Preferences need to be followed once the reason for departing from that order is resolved.
* The burden of establishing “good cause” is on the party requesting the departure.